

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 9, 11, 12, 21, 23, 24, and 27 are pending in this case. Claim 27 is amended by the present amendment only to correct matters of form. As such, no new matter is added.

In the outstanding Office Action, Claim 27 was rejected under 35 U.S.C. § 101, and Claims 9-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Abe, et al. (U.S. Pub. No. 2002/0069408, herein "Abe") in view of Freed, et al. (U.S. Patent No. 7,073,055, herein "Freed")¹.

Claim 27 is amended to address the assertion of non-statutory subject matter. Thus, Applicant respectfully requests that the rejection of Claim 27 under 35 U.S.C. § 101 be withdrawn.

Applicant traverses the rejection of the pending claims under 35 U.S.C. § 103(a).

Claim 9 is directed to an information processing apparatus and includes:

a data reception unit;
a rule decision processing unit configured to determine whether data processing based on a data processing request received via the data reception unit is to be executed; and
a data processing unit configured to execute data processing based on the determination of the rule decision processing unit, wherein
the rule decision processing unit is configured to execute determination processing for determining whether or not the processing according to the processing request is to be executed **based on a rule deciding condition descriptor, and the rule deciding condition descriptor is determined based on a probability value.**

¹ Although Claims 9-27 are listed as rejected at page 3 of the outstanding Office Action, only Claims 9, 11, 12, 21, 23, 24, and 27 are pending in this case, and only Claims 9, 11, 12, 21, 23, 24, and 27 are discussed in the rejection.

The outstanding Office Action asserts, at page 4, that Abe teaches every element of Claim 9 except “Abe does not teach the *specifics* on processing information...in servers or computer networks,” which the outstanding Office Action asserts Freed as teaching.

Specifically, the outstanding Office Action asserts the access site information retrieval unit 355 of Abe as teaching a data reception unit as defined by Claim 9; the rule decision unit 22 of Abe as teaching the rule decision processing unit as defined by Claim 9; and input step S470 of Abe as teaching the data processing request as defined by Claim 9.

Abe describes a system in which a broadcasting station 302 transmits signals containing commercial messages (CMs), a consumer terminal 303 detects the CMs and connects to an access site information furnishing device 305 to acquire access site information of the distribution terminal 301.

The parts of Abe asserted by the outstanding Office Action as teaching the information processing apparatus as defined by Claim 9 are in the access site information furnishing device 305. As described at paragraphs [0069], [0070], and [0083] of Abe, the access site information retrieval unit 355 of the access site information furnishing device 305 receives, at step S470, a request 350c from a consumer terminal 303. The access site information furnishing device 305 then executes the request for information from the consumer terminal 303 and either outputs information at step S474 or a notice of no information at step S475. Thus, with regard to the request S470, there is no rule decision processing “to determine whether data processing...is to be executed.” Instead, the request S470 is always executed, and only the information that is output differs.

The rule decision unit 22 of Abe, which is asserted as teaching the rule decision processing unit as defined by Claim 9, is not involved in **whether** information indicating CM information or lack thereof is returned to the consumer terminal 303, because that request is always executed and the response is always sent. Instead, the rule decision unit 22 is part of

the processor 44, as described at paragraph [0258] of Abe. The processor 44 is part of the CM detection unit 352, as depicted at Fig. 6. As described at paragraphs [0082] and [0083], in processing the request at S470, the access site information retrieval unit 355 refers at step S472 to the CM information and the access site information from the CM database, which is updated based on the CM detection unit 352.

Finally, as described at paragraph [0247] of Abe, the probabilities from the CM probability database 103, which was asserted as teaching a probability value as defined by Claim 9, are input to the supplementary condition calculation unit 20, which, like the rule decision unit 22, is also part of the processor 44, which is part of the CM detection unit 352, but the probabilities stored in the CM probability database 103 are not used by “a rule decision processing unit...to determine whether data processing based on a data processing request received via the data reception unit is to be executed” because the rule decision unit 22 does not determine whether to process the request at step S470 received by the access site information retrieval unit 355.

Thus, Abe does not teach or suggest at least the above-discussed features of Claim 9. Further, Freed does not cure the deficiencies of Abe and is also not asserted as teaching those features of Claim 9 that are deficient in Abe.

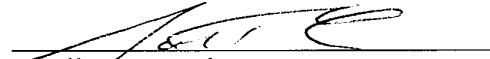
Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 9 and Claims 11 and 12, which depend therefrom, be withdrawn.

Claims 21 and 27, though differing in scope and statutory class from Claim 9, patentably define over Abe and Freed for substantially the same reasons as Claim 9. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 21, Claims 23 and 24, which depend therefrom, and Claim 27 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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